HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.18362 of 1997

Dated 12th day of March, 2007

Between:

Gaddam Sattayya ..
Petitioner

And

The Government of A.P.
rep. by its Secretary,
Revenue Department, Secretariat
Buildings, Hyderabad
and four others ..
Respondents

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O R D E R:

This writ petition is filed to quash the proceedings dated 4.1.1997 of the 2nd respondent, by which the petitioner is declared as a surplus vacant landholder of an extent of Ac.1.67 cents in S.No.57 situated in Bandlaguda Jagir village.

The brief facts of the case are that the petitioner purchased an extent of Ac.10.00 cents of agricultural land in S.No.57 situated in Bandlaguda Jagir Village, Rajendranagar Mandal under a registered sale deed dated 18.4.1980 from D. Mallayya and since then he has been in possession and enjoyment of it. Now, the grievance of the petitioner is that the 2nd respondent issued the impugned proceedings determining the petitioner as surplus vacant landholder of an extent of 5,744 square metres (Ac.1.67 cents).

Heard the learned counsel for both the parties.

According to the learned counsel for the petitioner, it is evident that by the date of the Enquiry Officer's report i.e. 30.10.1996, there were no agricultural operations in the land in question. It is not disputed by the learned Government Pleader for Assignment that the authorities took possession of the land in question as early as on 3.3.1984. When it is a fact that that the land was taken possession of sometime in the year 1984, the question of expecting that there would be agricultural operations in the land at the time of enquiry officer's report is unwarranted. Had the petitioner continued to be in possession of the land in question even by the date of inspection and it is kept fallow then it can be understood that the petitioner has not

brought it under cultivation. Treating that the remaining land of an extent of Ac.8.33 cents was kept fallow, the authorities gave the benefit of 20,230 square metres of land in terms of G.O.Ms.733, dated 3.10.1988 and 13,490 square metres in terms of G.O.Ms.289 dated 1.6.1989 to the petitioner. Had the authorities also taken Ac.8.33 cents of land in S.No.57, which is being used for agricultural purposes as evidenced by the pahanis produced by the petitioner, probably the benefits under G.O.Ms.Nos.733 and 289 would have been different. Hence, I find force in the submission of the learned counsel for the petitioner that the petitioner is entitled to have possession of the entire extent of land admeasuring 40,468 square metres (Ac.10.00 cents).

Hence, this writ petition is allowed setting aside the impugned order of the 2nd respondent. However, as the learned counsel for the petitioner has stated that the possession of the land in question is with the respondents, the respondents are hereby directed to deliver the vacant land of an extent of Ac.1.67 cents in S.No.57 situated in Bandlaguda Jagir Village, Rajendranagar Mandal, Range Reddy District to the petitioner within a period of six weeks from the date of receipt of a copy of this order. No costs.

12.03.2007

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